

REMARKS

Claims 1-44 are currently pending in the application. By this amendment, claims 3-7, 9-11, 13, 15, 20, 25, 28, 29, 33, 34, 37-39 and 42-44 are withdrawn. Applicants elect Group I, claims 1-42, with traverse. Applicants also elect Group A, Figure 1, with traverse. Claims 1, 2, 8, 12, 14, 16-19, 21-24, 26-27, 30-33, 35, 36, 40 and 41 are directed to Group A. Claim 1 is a generic claim. upon allowance of the generic claim, Applicants request rejoinder of the remaining claims.

The Examiner asserted that the inventions were related as process and apparatus for its practice, and that the inventions are distinct from each other under M.P.E.P. 806.05(e) because the "apparatus can be used to practice a materially different process, such as an ICF or MFE reactor." In addition to the restriction of inventions, the Examiner has required an election of one of the several species. Lastly, the Examiner is of the opinion that D-T mixture or water must also be elected.

Applicants respectfully submit that the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the two identified groups of invention, the Examiner has not shown that a concurrent examination of these groups, and each species, would present a "serious burden." In fact, the Examiner has

acknowledged that the individual groups would be classified in the same Class 376, and there is no appropriate statement that the search areas required to examine the invention of Group I would not overlap into the search areas for examining the invention of Group II, and vice versa. Applicants respectfully submit that the search for the combination of features recited in the claims of the above-noted groups and the individual species, if not totally co-extensive, would appear to have a some degree of overlap. Because the search for each group and species of invention is substantially the same, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I and II and species A-H. Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction and species requirement in this application.

Additionally, Applicants submit that the use of D-T mixture and water would not appear to be appropriate. The D-T mixture can be used as the fuel for the invention, as an example.

For all of the above reasons, the Examiner's restriction is believed to be improper. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a stylized flourish at the end.

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